



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Agriculture

Title of rule and other identifying information: (Describe Subject) Chapter 16-406 WAC Standards For Apricots

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: George Huffman, Rules Coordinator
Agency: Washington Department of Agriculture
Address: Administrative Regulations Program
1111 Washington St. SE
PO Box 42560
Olympia, WA 98504-2560

AND RECEIVED BY May 23, 2005

Purpose of the proposal and its anticipated effects, including any changes in existing rules: RCW 34.05.353(1)(c) allows the Washington State Department of Agriculture (WSDA) to file notice for the expedited adoption of rules if "the proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect." The WSDA has rewritten, reformatted and reorganized chapter 16-406 (Standards for Apricots) in a clear and readable format so the rule is easier to understand and use. **No new requirements are included in the rewritten chapter 16-406 WAC.**

Reasons supporting proposal: The department believes that the rewritten chapter 16-406 WAC is easier to understand and use and should be a benefit to department inspectors and the Washington state apricot industry. The rewritten chapter 16-406 WAC is a result of the department's ongoing Executive Order 97-02 rule review effort and complies with the executive order's "clarity criteria".

Statutory authority for adoption: RCW 15.17.030 and RCW 15.17.050 and RCW 34.05.353

Statute being implemented: Chapter 15.17 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE March 23, 2005

NAME Robert W. Gore

SIGNATURE

TITLE Assistant Director

CODE REVISER USE ONLY

CODE REVISER'S OFFICE STATE OF WASHINGTON FILED
MAR 23 2005
1111
05-07-153

(COMPLETE REVERSE SIDE)

Name of proponent: (person or organization) Washington State Department of Agriculture

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Jim Quigley	Olympia, WA	(360) 902-1833
Implementation...Jim Quigley	Olympia, WA	(360) 902-1833
Enforcement.....Jim Quigley	Olympia, WA	(360) 902-1833

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Washington State Department of Agriculture

CR-105 Attachment

Table Explaining Rewritten Chapter 16-406 WAC Standards For Apricots

CURRENT RULE SECTIONS	PROPOSED RULE SECTIONS	ACTION and COMMENT
	WAC 16-406-005 What definitions are important to understanding this chapter?	NEW SECTION This is considered a new section because the department renumbered WAC 16-406-050. The contents of the new WAC 16-406-005 and the old WAC 16-406-050 are essentially the same. Some terms like "aggregate", "department" and "director" have been added because they are used in the chapter. Other definitions "damage", "mature" and "serious damage" have been shortened because they are discussed in specific rule sections in the rewritten chapter 16-406 WAC.
	WAC 16-406-010 How do you determine the maturity of an apricot?	NEW SECTION created because the definition of "maturity" in the current chapter 16-406 WAC was so large.
	WAC 16-406-012 Do all apricot varieties mature in the same way?	NEW SECTION created because the definition of "maturity" in the current chapter 16-406 WAC was so large.
	WAC 16-406-015 What is considered "damage" and "serious damage" to apricots?	NEW SECTION created because the definitions of "damage" and "serious damage" in the current chapter 16-406 WAC were so large.
WAC 16-406-020 Tolerances.	WAC 16-406-020 What tolerances apply to apricots?	AMENDED SECTION by rewriting the section title in the form of a question and rewriting and reformatting the section content in a clear and readable style. There are no changes in requirements.
WAC 16-406-025 Application of tolerances.	WAC 16-406-025 How are apricot tolerances applied to individual samples?	AMENDED SECTION by rewriting the section title in the form of a question and presenting the section content in a table format. There are no changes in requirements.
WAC 16-406-030 Marking and packing requirements.	WAC 16-406-030 What marking and packing requirements apply to apricots?	AMENDED SECTION by rewriting the section title in the form of a question and rewriting and reformatting the section content in a clear and readable style. There are no changes in requirements.
WAC 16-406-040 Culls for fresh market.	WAC 16-406-040 Culls for fresh market.	REPEALED SECTION This section was repealed but its content was moved to WAC 16-406-005 What definitions are important to understanding this chapter?
WAC 16-406-050 Definition of terms.	WAC 16-406-050 Definition of terms.	REPEALED SECTION This section was repealed and replaced with the new section WAC 16-406-005 What definitions are important to understanding this chapter?
WAC 16-406-060 Definition of grades.	WAC 16-406-060 What grades apply to apricots?	AMENDED SECTION by rewriting the section title in the form of a question and presenting the section content in a table format. There are no changes in requirements.

Chapter 16-406 WAC

WASHINGTON STANDARDS FOR APRICOTS

NEW SECTION

WAC 16-406-005 What definitions are important to understanding this chapter? The following definitions are important to this chapter:

"Aggregate" means that injury areas on an apricot's surface may be combined into one circular area with a diameter equal to the maximum diameter specified for the particular injury.

"Damage" means an injury to an apricot that is readily apparent during grading and handling.

"Department" means the Washington state department of agriculture.

"Diameter" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end.

(1) Apricots having a diameter of 1-1/2 inches or larger, ring measurement, may be considered "large."

(2) Apricots having a diameter of less than 1-1/2 inches may be considered "small."

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Mature" means apricots have reached a growth stage that will insure the proper completion of the ripening process.

"Serious damage" means:

- (1) Immaturity; or
- (2) Any deformity; or
- (3) Injuries either causing skin breaks exceeding 3/8 of an inch in diameter or that seriously affects the apricot's appearance.

"Well formed" means having a shape that is characteristic of the variety.

NEW SECTION

WAC 16-406-010 How do you determine the maturity of an apricot? The information in the following table must be considered when determining an apricot's maturity:

MATURITY CHARACTERISTIC	EXPLANATION
(1) Ambering	"Ambering," which many authorities on apricots recognize as an indicator of maturity, refers to the replacement of the green colored flesh immediately around the pit with an amber shade of flesh.
(2) Springiness	"Springiness" develops in connection with the separation of the flesh from the pit. It is an indication that the apricot is reaching proper tree maturity for picking for fresh shipment. Springiness may be detected by: <ul style="list-style-type: none">•External pressure on the apricot; or•Cutting the apricot in half at right angles to the longitudinal axis and noting how one-half or both halves slip away from the pit.
(3) Taste	On a tree whose fruit is ready for harvest for fresh shipment, it is quite common to find apricots that are fairly palatable because they have lost much of their green taste. However, in using this test, do not be misled by apricots that, because of worm infestation, may be maturing abnormally.
(4) Separation of fruit from the stem	The way apricots separate from their stems is an indication of their maturity. For example, immature apricots tend to tear the adjacent skin and flesh more than apricots that are near proper maturity.

NEW SECTION

WAC 16-406-012 Do all apricot varieties mature in the same way? Not all varieties of apricots mature in the same way. The varieties listed in the following table have not reached a stage of maturity that will insure a proper completion of the ripening process until they have developed a characteristic yellow color (shades Nos. 3 or 4 on U.S. standard ground color chart) over the minimum surface area shown:

APRICOT VARIETY	MINIMUM YELLOW SURFACE AREA STATED AS A PERCENTAGE OF AN APRICOT'S TOTAL SURFACE AREA
Moorpark	20%
Gilbert or Newcastle	50%
Tilton	40%
Blenheim	40%

APRICOT VARIETY	MINIMUM YELLOW SURFACE AREA STATED AS A PERCENTAGE OF AN APRICOT'S TOTAL SURFACE AREA
Royal	40%

NEW SECTION

WAC 16-406-015 What is considered "damage" and "serious damage" to apricots? The following tables explain the differences between "damage" and "serious damage" as applied to apricots:

Table 1

"Damage" and "Serious Damage" for All Varieties of Apricots **except** the Riland Variety

Except for the Riland variety, the following are considered damage :	Except for the Riland variety, the following are considered serious damage :
(1) Well-healed growth cracks over 3/8 of an inch in length.	(1) Well-healed growth cracks that are more than 1/2 inch in length.
(2) Punctures over 3/16 of an inch in diameter.	
(3) Stem pulls over 3/8 of an inch in diameter.	
(4) Smooth shallow limb rubs more than 1/4 of an inch in diameter.	
(5) Russetting affecting more than ten percent of the apricot's surface.	
(6) Bruises exceeding five percent of the apricot's surface.	(2) Bruises exceeding ten percent of the surface of the apricot.
(7) Hail marks that are:	(3) Hail marks that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

Table 2

"Damage" and "Serious Damage" for the Riland Variety of Apricots

For the Riland variety, the following are considered damage :	For the Riland variety, the following are considered serious damage :
(1) Growth cracks exceeding 3/8 inches in length.	(1) Growth cracks that are not well healed and are more than 1/2 inch in length.
(2) Punctures exceeding 1/4 of an inch in diameter.	
(3) Stem pulls exceeding 1/2 inch in diameter.	
(4) Smooth shallow limb rubs more than 1/4 of an inch in diameter.	
(5) Russetting affecting more than ten percent of the apricot's surface.	

For the Riland variety, the following are considered damage:	For the Riland variety, the following are considered serious damage:
(6) Bruises exceeding five percent of the apricot's surface.	(2) Bruises exceeding ten percent of the surface of the apricot.
(7) Hail marks that are:	(3) Hail marks that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

AMENDATORY SECTION (Amending WSR 99-17-003, filed 8/4/99, effective 9/4/99)

WAC 16-406-020 ((Tolerances.)) What tolerances apply to apricots? ~~((1) In order to allow for variations incident to proper grading and handling, not more than a total of ten percent of the apricots in any lot may be below the requirements of grade, provided that not more than five percent shall be seriously damaged by insects, and not more than one percent shall be allowed for decay or internal breakdown. Provided, That in addition in Washington No. 1 not more than ten percent, by count, of the apricots in any lot may be damaged but not seriously damaged by bruising.~~

~~((2) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of Washington No. 1 apricots required in the combination, but individual containers may have not more than ten percent less than the percentage of Washington No. 1 required, provided that the entire lot averages within the percentage specified.))~~ (1) To allow for variations incident to proper grading and handling, the following tolerances apply to apricots:

(a) No more than ten percent of the apricots in any lot may be below grade requirements.

(b) Serious damage by insects must affect no more than five percent of the apricots in any lot.

(c) No more than one percent must be affected by decay or internal breakdown.

(d) In addition, for Washington No. 1 grade, no more than ten percent, by count, of the apricots in any lot may be damaged (but not seriously damaged) by bruising.

(2) When applying the tolerances in subsection (1) of this section to the Washington combination grade:

(a) No part of any tolerance must be used to reduce the percentage of Washington No. 1 apricots required for the combination grade.

(b) However, individual containers may contain forty percent

Washington No. 1 grade apricots if the entire lot averages fifty percent.

AMENDATORY SECTION (Amending WSR 03-24-008, filed 11/20/03, effective 12/21/03)

WAC 16-406-025 (~~(Application of tolerances.)~~) How are apricot tolerances applied to individual samples? (~~((1) The contents of individual samples are subject to the following limitations: Provided, That the averages for the entire lot are within the tolerances specified for this grade.~~

~~(2) For packages which contain more than ten pounds, and a tolerance of ten percent or more is provided, individual samples in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than ten pounds and a tolerance of less than ten percent is provided, individual samples in any lot shall have not more than double the tolerance specified: Provided, That not more than one apricot which is affected by decay or internal breakdown may be permitted in any sample.~~

~~(3) Washington No. 1 grade. For packages containing ten pounds or less: Not more than ten percent of the samples may have more than three times the tolerances specified, except that at least one defective apricot may be permitted in any sample: Provided, That not more than one apricot or more than six percent (whichever is the larger amount) may be affected by decay or internal breakdown.~~

~~(4) Washington No. 2 grade. For packages containing ten pounds or less: Not more than ten percent of the samples may contain more than three times the tolerances specified.)~~ If the averages for the entire lot are within the tolerances specified for the grade, the contents of individual samples are subject to the following limitations:

<u>Package Weight and/or Apricot Grade</u>	<u>With a Tolerance of:</u>	<u>Individual Sample in Any Lot:</u>	<u>Defects Allowed in a Sample</u>
<u>(1) Packages containing more than ten pounds</u>	<u>Ten percent or more</u>	<u>Must have no more than one and one-half times the tolerance specified</u>	<u>No more than one apricot affected by decay or internal breakdown is permitted in any sample.</u>
<u>(2) Packages containing more than ten pounds</u>	<u>Less than ten percent</u>	<u>Must have no more than double the tolerance specified</u>	<u>No more than one apricot affected by decay or internal breakdown is permitted in any sample.</u>

<u>Package Weight and/or Apricot Grade</u>	<u>With a Tolerance of:</u>	<u>Individual Sample in Any Lot:</u>	<u>Defects Allowed in a Sample</u>
<u>(3) Washington No. 1 grade packages containing ten pounds or less</u>	<u>Ten percent or less</u>	<u>May have more than three times the tolerances specified</u>	<u>At least one defective apricot may be permitted in any sample and one apricot or more than six percent (whichever is the larger amount) may be affected by decay or internal breakdown.</u>
<u>(4) Washington No. 2 grade packages containing ten pounds or less</u>	<u>Ten percent or less</u>	<u>May have more than three times the tolerances specified</u>	<u>N/A</u>

AMENDATORY SECTION (Amending WSR 99-17-003, filed 8/4/99, effective 9/4/99)

WAC 16-406-030 ((~~Marking and packing requirements.~~)) What marking and packing requirements apply to apricots? ((~~(1) When the numerical count is used, the apricots in any container shall not vary more than one fourth inch in diameter. In order to allow for variations incident to proper sizing, not more than ten percent, by count, of the apricots in any package may be below the minimum size specified. The determination of grade may be made on the count basis.~~

~~(2) When apricots are prepared for market and/or offered for sale in containers, open or closed, such containers shall have stamped thereon the variety, grade, and packer's, grower's or shipper's name and address, count, or net weight and minimum diameter.~~

~~(These marking requirements do not apply to apricots being sold or shipped to canneries))~~

Note: The marking requirements in this section do not apply to apricots being sold or shipped to canneries.

(1) When a numerical count is used to pack apricots, the apricots in any container must not vary more than one-quarter inch in diameter.

(2) To allow for variations incident to proper sizing, no more than ten percent, by count, of the apricots in any package may be below the specified minimum size.

(3) Numerical count may be used to determine apricot grades.

(4) When apricots are prepared for market and/or offered for sale in containers (either open or closed), the following information must be clearly stamped on each container:

(a) Variety;

(b) Grade;

(c) Packer's, grower's or shipper's name and address; and

(d) Count; or

(e) Net weight and minimum diameter.

AMENDATORY SECTION (Amending Order 1015, Regulation A, filed 4/29/66)

WAC 16-406-060 ((Definition of grades.)) What grades apply to apricots? ((~~(1) Washington No. 1 shall consist of apricots of one variety which are mature but not soft, overripe or shriveled, and which are well formed, visibly clean and free from decay, worm holes, and from damage caused by dirt, limb rubs, growth cracks, bruises, scale, hail, disease, insects or mechanical or other means. (See tolerances WAC 16-406-020)~~

~~(2) Washington No. 2 shall consist of apricots of one variety which are mature but not soft, overripe or shriveled, but which are fairly clean and free from decay, worm holes, and from serious damage caused by growth cracks, bruises, hail, insect pests, mechanical or other means. (See tolerances WAC 16-406-020)~~

~~(3) Washington combination shall consist of a combination of Washington No. 1 and Washington No. 2 and may be packed. When such a combination is packed, at least fifty percent of the apricots in any container shall meet the requirements of Washington No. 1. (See tolerances WAC 16-406-020)~~

~~(4) Culls shall consist of apricots which are immature or seriously damaged by growth cracks, nail, insect pests, mechanical or other means. (See marking and packing requirements WAC 16-406-030))~~ The following table identifies apricot grades and describes their characteristics:

<u>WASHINGTON APRICOT GRADES</u>	<u>CHARACTERISTICS</u>
<u>(1) Washington No. 1</u>	<u>Washington No. 1 grade apricots consist of apricots of one variety that are:</u> <ul style="list-style-type: none">● <u>Mature but not soft</u>● <u>Not overripe or shriveled</u>● <u>Well formed</u>● <u>Visibly clean</u>● <u>Free from decay and worm holes</u>● <u>Free from damage caused by dirt, limb rubs, growth cracks, bruises, scale, hail, disease, insects or mechanical or other means. (See tolerances WAC 16-407-060.)</u>
<u>(2) Washington No. 2</u>	<u>Washington No. 2 grade apricots consist of apricots of one variety that are:</u> <ul style="list-style-type: none">● <u>Mature but not soft</u>● <u>Not overripe or shriveled</u>● <u>Fairly clean</u>● <u>Free from decay and worm holes</u>

WASHINGTON APRICOT GRADES	CHARACTERISTICS
	<ul style="list-style-type: none"> ●Free from serious damage caused by growth cracks, bruises, hail, insect pests, mechanical or other means. (See tolerances WAC 16-407-060.)
(3) <u>Washington combination</u>	<ul style="list-style-type: none"> ●Washington combination grade consists of a combination of Washington No. 1 and Washington No. 2 grade apricots. ●Washington combination grade apricots may be packed. ●When packed, at least fifty percent of the apricots in any container must meet the requirements of Washington No. 1 grade. (See tolerances WAC 16-407-060.)
(4) <u>Culls</u>	<ul style="list-style-type: none"> ●Culls consist of apricots that are immature or seriously damaged by growth cracks, hail, insect pests, mechanical or other means. (See marking and packing requirements WAC 16-406-030.) ●Cull apricots for fresh market must be clearly marked with the word CULLS, in large letters at least two inches high, on closed type of containers.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-406-040
WAC 16-406-050

Culls for fresh market.
Definition of terms.